

Appendix A: Federal Laws, Regulations, Policies, and Guidance

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A. Federal Laws, Regulations, Policies, and Guidance

The development of the Billings/Pompeys Pillar RMP/EIS followed all applicable laws, regulations, and policies, including, but not limited to, those listed in Table A-1.

Table A-1: Specific Mandates and Authorities

Federal Law or Statute	Year
Acquired Lands Act – Act of August 7, 1947; (61 Stat 913)	1947
Act of April 23, 1932 (47 Stat 136)	1932
Act of June 28, 1934; Section 7 (43 USC 315f), as amended	1934
Act of June 30, 1950 (16 USC 508(e) and (e))	1950
Act of July 23, 1955 (P L 167; 43 CFR 3710)	1955
Act of August 13, 1954 (68 Stat. 708, 30 USC 521 subpart)	1954
Act of September 1, 1949, Section 3 (30 USC 192c)	1949
Act of September 28, 1962 (P L 87-713, 76 Stat 652)	1962
Act of October 30, 1978 (92 Stat 2073-2075)	1978
Airport and Airway Improvement Act, Section 516 (49 USC 2215)	1982
American Indian Religious Freedom Act of 1978 (PL 95-579; 90 Stat 469; 42 USC 1996)	1996
American Recovery and Reinvestment Act	2009
Antiquities Act of 1906 (PL 59-209; 34 Stat 225; 16 USC 431-433)	1906
Appropriations Act of 1952, McCarran Amendment (31 USC 9701)	1952
Archaeological and Historic Preservation Act (16 USC 469-469c-1)	1974
Archaeological and Paleontological Salvage Act for Federal Highway Projects (23 USC 305; 72 Stat 913 (1958), 74 Stat 525 (1960))	1960
Archaeological Resources Protection Act of 1979 (PL 96-95; Stat 721; 16 USC 470 et seq.) as amended (PL 100-555; PL 100-588)	1979
Bald Eagle Protection Act (16 USC 668-668d, 54 Stat 250)	1940
Carey Act of August 18, 1894, as amended (43 USC et seq.)	1894
Carson-Foley Act of 1968 (42 USC 1241-1243)	1968
Classification and Multiple Use Act of 1964 (43 USC 1411-18)	1964
Clean Air Act, as amended	1963
Clean Water Act, as amended (30 USC 1251)	1977
Coastal Zone Management Act (PL 92-583, 16 USC 1451-1456)	1972
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC 9601)	1980
Control of Pollution from Federal Facilities Act of 1970 (33 USC 1323)	1970
Department of Energy Organization Act (42 USC 7101 et seq.)	1977
Desert Land Act (19 Stat 377; 43 USC 321-323), as amended	1877
Domestic Minerals Program Extension Act	1953

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Earl Douglass, 44 L.D. 325, August 6, 1915	1915
Economy Act 1932, as amended (PL 72-211; 417 USC 686)	1832
Emergency Planning and Community Right-to-Know Act (42 USC 11001-11050)	1986
Emergency Wetland Resources Act (16 USC 3901)	1986
Endangered Species Act (16 USC 1531-1544, 87 Stat 884), as amended	1973
Energy Independence and Security Act	2007
Energy Policy Act (PL 109-58)	2005
Energy Policy and Conservation Act Reauthorization of 2000, as amended (PL 106-469)	2000
Engle Act (43 USC 155 et seq.)	1958
Executive Memorandum, Government-to-Government Relations with Native American Tribal governments	1994
Executive Order of April 17, 1926, Public Water Reserve No. 107	1926
Executive Order 11514 – Protection and Enhancement of Environmental Quality	1970
Executive Order 11593 – Protection and Enhancement of the Cultural Environment	1971
Executive Order 11644 – Use of Off-Road Vehicles on the Public Lands	1972
Executive Order 11738 – Administration of the Clean Air Act and the Federal Water Pollution Control Act	1973
Executive Order 11752 – Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities	1973
Executive Order 11987 – Exotic Organisms	1977
Executive Order 11988 – Floodplain Management	1977
Executive Order 11989 – Off-Road Vehicles on Public Lands	1977
Executive Order 11990 – Protection of Wetlands	1977
Executive Order 11991 – Relating to Protection and Enhancement of Environmental Quality	1977
Executive Order 12088 – Federal Compliance with Pollution Control Standards	1978
Executive Order 12580 – Superfund Implementation and 13016 – Amendment to Executive Order 12580	1987 and 1996
Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	1994
Executive Order 12962 – Recreational Fisheries	1995
Executive Order 13007 – Providing for American Indian and Alaska Native Religious Freedom and Sacred land Protections	1996
Executive Order 13084 – Consultation and Coordination with Indian Tribal Governments	1998
Executive Order 13112 – Invasive Species	1999
Executive Order 13148 – Greening of the Government through Leadership in Environmental Management	2000
Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds	2001
Executive Order 13195 – Trails for America in the 21 st Century	2001
Executive Order 13212 - Actions to Expedite Energy-Related Projects	2001
Executive Order 13287 – Preserve America	2003
Executive Order – Delegating to the Secretary of the Interior the Authority of the President to withdraw or reserve lands of the United States for Public Purposes	1952

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Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments	2000
Executive Order 13443 – Facilitation of Hunting Heritage and Wildlife Conservation	2007
Executive Order 6910 and Executive Order 6964, and amendments	1934
Federal Aid Highway Act (23 USC 107 (d) and 317)	1958
Federal Cave Resources Protection Act (16 USC 4301 et seq.)	1988
Federal Coal Leasing Amendments Act (90 Stat 1083-1092), as amended	1976
Federal Coal Management Program Coal Screening Process (43 CFR 3420.1-4)	1997
Federal Environmental Pesticide Control Act (7 USC 136 et seq.)	1972
Federal Facilities Compliance Act of 1992	1992
Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended (7 USC 136 et seq.)	1947
Federal Land Policy and Management Act of 1976 (PL 94-579; 90 Stat 2743; 43 USC 1701)	1976
Federal Lands Recreation Enhancement Act	2004
Federal Land Transaction Facilitation Act (43 USC 2301, et seq.)	1974
Federal Noxious Weed Act of 1974, as amended (7 USC 2801 et seq.)	1974
Federal Oil and Gas Royalty Management Act	1982
Federal Plant Pest Act (7 USC 150aa et seq.)	1957
Federal Property and Administration Services Act of 1949	1949
Federal Water Pollution Control Act (33 USC 1251-1376), as amended	1948
Federal Water Projects Recreation Act (16 USC 460(L)(12)-460(L)(21)), as amended	1965
Federal Wildland Fire Management Policy	2001
Fish and Wildlife Coordination Act of 1934 (16 USC 661-667e), as amended	1934
Fish and Wildlife Conservation Act (16 USC 2901-2911)	1980
Food, Drug, and Cosmetic act of 1938 and the Miller Amendment to the Act (21 (USC 301 et seq.)	1938
Food Security Act of 1985 (16 USC 3801-3862)	1985
Geothermal Steam Act of 1970 (30 USC 1001 et seq.), as amended	1970
General Allotment Act, Section 4 (25 USC 334), as amended	1887
General Mining Law of 1872, as amended (30 USC 21)	1872
Healthy Forests Restoration Act (PL 108-148)	2003
Historic Sites Act of 1935 ((PL 74-292; 49 Stat 666; 16 USC 461 et seq.)	1935
Horse Protection Act of 1970 (15 USC 1821 et seq.)	1970
Lacey Act (18 USC 42), as amended	1988
Land and Water Conservation Act, as amended (16 USC 460 et seq.)	1965
Lode Law Act of 1866 (14 Statute 251)	1866
Materials Act of July 31, 1947 (30 USC 601-604), as amended	1947
Migratory Bird Conservation Act of 1929 (16 USC 715)	1929
Migratory Bird Treaty Act of 1918 (16 USC 703 et seq.)	1918
Mineral Leasing Act of 1920, as amended (30 USC 181)	1920

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Mineral Leasing Act for Acquired Lands of 1947, as amended (30 USC 351 et seq.)	1947
Mining and Mineral Policy Act of 1970 (30 USC 21)	1970
Mining Claim Rights Restoration Act (30 USC 621-625)	1955
Multiple Mineral Development Act (30 USC 521-531 et seq.)	1954
National Environmental Policy Act of 1969 (PL 91-190; 83 Stat 852; 42 USC 4321)	1969
National Fire Plan	2000
National Historic Preservation Act of 1966, as amended (PL 89-665; 80 Stat 915; 16 USC 470)	1966
National Historic Trails System Act (16 USC 1241-1249), as amended	1968
National Materials and Minerals Policy, Research, and Development Act of 1980 (PL 96-479, 94 Stat.2305)	1980
National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)	1988
National Parks and Recreation Act of 1978 (16 USC 1242 and 1243)	1978
National Trails System Act of 1968 (16 USC 1241 et seq.), as amended	1968
National Wild and Scenic Rivers Act (16 USC 1271 et seq.)	1968
Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 104 Stat 3048; 25 USC 3001)	1990
Naval Petroleum Reserves Production Act (43 CFR 2361.1(f))	1976
Neotropical Migratory Bird Conservation Act (PL 106-247)	2000
Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 USC et seq.)	1990
Noxious Weed Control Act of 2004 (PL 108-412)	2004
O & C Lands Act of 1937 (62 Stat 162)	1948
Occupational Safety and Health Act (29 USC 651 et seq.)	1970
Oil Pollution Act (33 USC 2701 et seq.)	1990
Paleontological Resources Protection Act of 2009 (PL 111-11)	2009
Placer Law – Act of July 9, 1870 (16 Stat 217)	1870
Plant Protection Act (7 USC 7701-7772)	2000
Pollution Prevention Act (42 USC 13101 et seq.)	1990
Public Rangelands Improvement Act (43 USC 1901 et seq.)	1978
Recreation and Public Purposes Act (43 USC 869), as amended in 1988	1926
Reorganization Plan No. 3 of 1946 (5 USC Section 402)	1946
Reservoir Salvage act of 1960, as amended by Archaeological and Historic Preservation Act of 1974 (PL 86-523; 74 Stat 220, 221; 16 USC 469; PL 93-291; 88 Stat 174; 16 USC 469)	1960
Resource Conservation and Recovery act of 1976, as amended (42 USC 6901 et seq.) and the Beville Amendment (Section 3001(b)(3)(A)(ii) and 40 CFR 261.4(b)(7))	1976
Riparian-Wetlands Initiative for the 1990s, The U.S. Department of the Interior, Bureau of Land Management, January 22, 1992	1992
Rivers and Harbors Act of 1899 (10 USC 1899, Section 10)	1899
Safe Drinking Water Act, as amended 1977 (42 USC 201)	1977
Secretarial Order 3206 - American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the ESA	1997
Secretarial Order 3226 – Climate Change	2001

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Secretarial Order 3308 – Management of the National Landscape Conservation System	2010
Secretarial Order 3310 – Protecting Wilderness Characteristics on Lands Managed by the Bureau of Land Management	2010
Sikes Act of 1974, as amended (16 USC 670 et seq.)	1974
Soil and Water Resources Conservation act of 1977 (16 USC 2001)	1977
Soil Conservation and Domestic Allotment Act of 1935, as amended (16 USC 590)	1935
Soil Information Assistance for Community Planning and Resource Development Act of 1966 (42 USC 3271)	1966
Stock Raising Homestead Act of 1916, as amended (43 USC 299)	1916
Surface Mining Control and Reclamation Act (30 USC 1201 et seq.)	1977
Surface Resources Act of 1955 (30 USC 611-614)	1955
Taylor Grazing Act of 1934, as amended (43 .S.C. 315)	1934
Toxic Substance and Control Act of 1976 (PL 104-66), as amended in 1995	1976
Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management	2000
U.S. Onshore Orders:	
Onshore Order No. 1 – Approval of Operations on Onshore Federal and Indian Oil and Gas Leases	1983
Onshore Order No. 2 – Onshore Oil and Gas Drilling Operations on Federal and Indian Oil and Gas Leases	1988
Onshore Order No. 3 – Site Security on Federal Oil and Gas Leases	1989
Onshore Order No. 4 – Measurement of Oil on Federal Oil and Gas Leases	1989
Onshore Order No. 5 – Measurement of Gas on Federal Oil and Gas Leases	1989
Onshore Order No. 6 – Hydrogen Sulfide Operations on Federal Oil and Gas Leases	1991
Onshore Order No. 7 – Disposal of Produced Water from Federal Oil and Gas Leases	1993
U.S. v Peck, No. 97-8122, 1999 WL 33022	1999
Water Quality Act of 1987, as amended from the Federal Water Pollution Control Act of 1977 (Clean Water Act), as amended (33 USC 1251 et seq.)	1987
Water Resources Development Act	1974
Water Resources Planning Act (42 USC 1962a-1962(a)(4)(e)), as amended	1965
Watershed Protection and Flood Protection Act, as amended (16 USC et seq.)	1954
Watershed Protection and Enhancement Agreements ("Wyden Amendment") (PL 104-208, sec. 124, PL 105-277, sec 136 of the 1999 Interior Appropriations Act of 1998)	1998
Wild and Free Roaming Horses and Burros Act of 1971 (16 USC 1331 et seq.), as amended	1971
Wilderness Act of 1964, as amended (16 USC 1131 et seq.)	1964
Wild Horse and Burro Sale Authority, within Consolidated Appropriations Act of 2005 (PL 108-477, Sec 142)	2005
BLM Directives	Year
Abandoned Mine Lands (AML) National Strategic Plan	2006
Applications for Permit to Drill (APD) Fees	2007
Applications for Permit to Drill (APD)	2007
BLM Montana/Dakota Recreation and Visitor Services Strategy	2010
BLM Policy Statement on Riparian Management Activity Guide	1987

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BLM Priorities for Recreation and Visitor Services	2003
BLM MOU-MT931-6901 delegating a portion of Wyoming to Montana (PMWHR)	1969
Competitive Leasing (43 CFR 3120)	2002
Delegation of Authority, Cooperative Agreements, and Contracts for Oil and Gas Inspection (43 CFR 3190)	1987
Federal Coal Management Program Regulations (43 CFR Group 4300)	1979
Federal Manual for Identifying and Delineating Jurisdictional Wetlands	1991
Fish and Wildlife 2000 BLM National, State, and District Policies	2000
Grazing Administration Range Improvements and Water Rights (43 CFR 4100 et seq.)	2002 (revised)
Geothermal Leasing (43 CFR 3200)	1998
Geothermal Resources Unit Agreements (43 CFR 3280)	1973
Instruction Bulletin 2002-101, Cultural Resource Considerations in Resource Management Plans	2002
Instruction Memorandum 2012-044, BLM National Greater Sage-Grouse Land Use Planning Strategy	2012
Instruction Memorandum 2012-043, Greater Sage-Grouse Interim Management Policies and Procedures	2012
Instruction Memorandum 2011-004, Revised Recreation and Visitor Services Land Use Planning Guidance	2011
Instruction Memorandum 2011-138, Sage Grouse Conservation Related to Wild Land Fire and Fuels Management	2011
Instruction Memorandum 2011-154, Requirement to Conduct and Maintain Wilderness Inventories and to Consider Lands with Wilderness Characteristics in Land Use Planning	2011
Instruction Memorandum 2011-159, Scattering of Cremated Remains	2011
Instruction Memorandum 2010-181, White Nose Syndrome	2010
Instruction Memorandum 2010-149, Sage-Grouse Conservation Related to Wildland Fire and Fuels Management	2010
Instruction Memorandum 2010-117, Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews	2010
Instruction Memorandum 2009-215, Planning for Special Designations within the National System of Public Lands	2009
Instruction Memorandum 2009-167, Application of the Visual Resource Management Program to Renewable Energy	2009
Instruction Memorandum 2009-138, Confidentiality of Paleontological Locality under the Omnibus Public Lands Act of 2009	2009
Instruction Memorandum 2009-043, Wind Energy Development Policy	2009
Instruction Memorandum 2009-039, Transmittal of Revised 6840 Special Status Species Manual and Direction for State Directors to Review and Revise Existing Bureau Sensitive Species Lists	2009
Instruction Memorandum 2009-113, Casual Collection of Common Invertebrate and Plant Paleontological Resources under the Paleontological Resources Preservation Act of 2009	2009
Instruction Memorandum 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources	2009
Instruction Memorandum 2008-204, Off-Site Mitigation	2008
Instruction Memorandum 2008-014, Clarification of Guidance and Integration of Comprehensive Travel and Transportation Management Planning into Land Use Planning	2008
Instruction Memorandum 2008-009, Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Lands	2008
Instruction Memorandum 2007-096, Refinement of the Methodology to Identify Abandoned Mine Land Sites Near Populated Places and High Use Areas	2007

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Instruction Memorandum 2007-030, Clarification of Cultural Resource Considerations for Off-Highway Vehicle (OHV) Designation and Travel Management	2007
Instruction Memorandum 2006-197, BLM Energy and Non-Energy Mineral Policy	2006
Instruction Memorandum 2006-145, Cooperative Conservation Based Strategic Plan for the Abandoned Mine Lands Program	2006
Instruction Memorandum 2006-071, Process Improvement for Oil, Gas, Geothermal, Geophysical, and Related Rights-of-Way Approvals	2006
Instruction Memorandum 2005-247, National Environmental Policy Act (NEPA) Compliance for Oil, Gas, and Geothermal Development	2005
Instruction Memorandum 2005-227, NHPA Section 106 and Oil and Gas Permitting	2005
Instruction Memorandum 2005-210, Energy Policy and Conservation Act (EPCA) Inventory – Data Compilation for Phases III and IV	2005
Instruction Memorandum 2005-176, Filing of Protests on Lands Included in Oil and Gas Lease Sales	2005
Instruction Memorandum 2005-069, Offsite Compensatory Mitigation Guidelines	2005
Instruction Memorandum 2005-003, Cultural Resources, Tribal Consultation, and Fluid Minerals Leasing	2005
Information Memorandum 2003-147, Application for Permit to Drill (APD) – Process Improvement #3 – Cultural Resources	2003
Information Memorandum 2003-020, Interim Wind Energy Development Policy	2003
Information Memorandum 2002-196, Right-of-Way Management - Land Use Planning	2002
Information Memorandum 99- 039, Issuance of Grazing Permits in Compliance with Applicable Laws, Regulations, and Policy	1999
Instruction Memorandum MT-2009-039 2009 Montana/Dakotas Special Status Species List	2009
Instruction Memorandum MT -2010-017 Guidance for Greater Sage-Grouse Management and Conservation in Resource Management Plan (RMP) Revisions in Management Zones 1 and 2 Within the Montana/Dakotas BLM	2010
Instruction Memorandum MT-2010-001 Review of Proposed Recreation and Visitor Services Strategy for Montana/Dakotas Bureau of Land Management	2010
Instruction Memorandum MT-2012-039 Montana/Dakotas Sign Maintenance Program	2012
Memorandum on Administration on the Pryor Mountain Wild Horse Range between Wyoming and Montana	1975
Memorandum – Government-to-Government Relations with Native American Tribal Governments	1994
National Programmatic Agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers	1997
Order No. 3175 – Departmental Responsibilities for Indian Trust Resources (Section 2 of Reorganization Plan No. 3 of 1950 – 64 Stat 1262)	1993
BLM Manuals	
BLM Manual 1553, Planning and Creating Graphics	
BLM Manual 1610, Land Use Planning	
BLM Manual 1613, ACECs	
BLM Manual 1626, Travel and Transportation	
BLM Manual 1703, Hazardous Materials Management	
BLM Manual 1790, NEPA	

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BLM Manual 3031, Energy Mineral Resource Assessment	
BLM Manual 4180, Rangeland Health Standards	
BLM Manual 4700, Wild Free-Roaming Horse and Burro Management	
BLM Manual 6500, Wildlife and Fisheries Management	
BLM Manual 6330, Management of BLM Wilderness Study Areas	
BLM Manual 6521, State Agencies	
BLM Manual 6525, Sikes Act Wildlife Programs	
BLM Manual 6600, Fish, Wildlife, and Special Status Plant Resources Inventory and Monitoring	
BLM Manual 6840, Special Status Species Management	
BLM Manual 7000, Soil, Water, and Air Management	
BLM Manual 8100, Foundations for Managing Cultural Resources	
BLM Manual 8110, Identifying Cultural Resources	
BLM Manual 8120, Tribal Consultation under Cultural Resources	
BLM Manual 8120-1, Guidelines for Conducting Tribal Consultation	
BLM Manual 8130, Planning for Uses of Cultural Resources	
BLM Manual 8160, Native American Consultation and Coordination	
BLM Manual 8170, Interpreting Cultural Resources for the Public	
BLM Manual 8270, Paleontological Resource Management	
BLM Manual 8300, Recreation Management	
BLM Manual 8351, Wild and Scenic River Policy	
BLM Manual 8400-1, Visual Resource Management	
BLM Manual 9130, Signs	
BLM Manual 9211, Fire Planning	
Regulations	
36 CFR Part 800: Protection of Historic Properties	
36 CFR Part 60: National Register of Historic Places	
36 CFR Part 78: Waiver of Federal Agency Responsibilities under Section 110 of the National Historic Preservation act	
40 CFR 1500-1508	
43 CFR Part 7: Protection of Archaeological Resources	
43 CFR 37.2, Cave Management Policy	
43 CFR 1600, Planning, Programming and Budgeting	
43 CFR 1610.4, Resource Management Planning Process	
43 CFR 1610.7-2, Designations of Areas of Critical Environmental Concern	
43 CFR 2200.0-6 (b), Exchanges	
43 CFR 2801.2 (c), Objectives of BLM's Right-of-Way Program	
43 CFR 2801.5	

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43 CFR 2802.10, Lands Available for FLPMA Grants	
43 CFR 3101.1-2	
43 CFR 3120, Competitive Leasing	
43 CFR 3162.5	
43 CFR 3190, Delegation of Authority, Cooperative Agreements, and Contracts for Oil and Gas Inspection	
43 CFR 3200, Geothermal Leasing	
43 CFR 3461.5	
43 CFR 3809.5	
43 CFR 4100, Grazing Administration, Range Improvements, and Water Rights	
43 CFR 4300, Federal Coal Management Program Regulations	
43 CFR 8340, Off-Road Vehicles	
50 CFR 400, Interagency Cooperation under the ESA	
BLM Handbooks	
Handbook H-1601-1, Land Use Planning	
Handbook H-1624-1, Planning for Fluid Mineral Resources	
Handbook H-1790-1, National Environmental Policy Act	
Handbook H-2200-1, Land Exchange Handbook	
Handbook H-3070-1, Economic Evaluation of Coal Properties	
Handbook H-3070-2, Economic Evaluation of Oil and Gas Properties	
Handbook H-3600-1, Mineral Materials Disposal	
Handbook H-4120-1 Grazing Management	
Handbook H-4180-1, Rangeland Health Standards	
Handbook H-4700-1, Wild Horses and Burros Management	
Handbook H-8120-1, General Procedural Guidance for Native American Consultation	
Handbook H-8270-1 General Procedural Guidance for Paleontological Resource Management	
Handbook H-8410-1, Visual Resource Inventory Handbook	
Handbook H-8550-1, Interim Management Policy for Lands under Wilderness Review	
Handbook H-9211-1, Fire Management Activity Planning	
Handbook H-9214-1, Prescribed Fire Management Handbook	

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